

originally present in the issued patent. As such, the Examiner asserts that the newly presented claims are directed to subject matter entirely distinct from anything earlier claimed, attempted to be claimed, or intended to be claimed as required by 35 U.S.C. §251 as interpreted by In re Weiler, 229 USPQ 673 (Fed. Cir. 1986).

While the Applicant does not agree with the Examiner's construction of 35 U.S.C. §251, even assuming *arguendo* that the Examiner's construction is correct, it is unclear as to how the newly presented claims are entirely distinct from the invention as previously claimed.

By way of review, newly presented claim 27 recites "a catadioptric imaging optical sub-system comprising an optical group to form an image of the pattern, the optical group comprising a concave mirror with a first optical axis." In contrast, claim 10 recites "a first imaging system that forms an intermediate image of an illuminated region of the reticle, the first imaging system comprising from objectwise to imagewise, (a) a single-pass lens group comprising a first negative subgroup, a positive subgroup, and a second negative subgroup, and (b) a double-pass lens group comprising a concave mirror, wherein light from the illuminated region of the reticle passes through the single-pass lens group and the double-pass lens group, *reflects from the concave mirror*, and returns through the double-pass lens group." As such, claim 10 recites the first imaging system as a type of catadioptric system, albeit a type that is more specific in its detail than that in newly presented claim 27.

Further, claim 27 recites "a dioptric imaging sub-system arranged in an optical path between said catadioptric imaging optical sub-system and the substrate to re-image the image formed by said catadioptric imaging optical sub-system, said dioptric imaging sub-system comprising a second optical axis." In contrast, claim 10 recites "a second imaging system that receives the light reflected by the concave mirror and reflected back through the double-pass lens group and that re-images the intermediate image to form a final image of the illuminated region of the reticle on the substrate." Thus, claim 10 does not recite, affirmatively, the type of system. As such, the recited "second imaging system" would include the embodiments shown in

FIGs. 2 and 6. While the embodiment of the second imaging system B shown in FIG. 6 uses reflection and could be considered a "catadioptric" system, the embodiment of the second imaging system B shown in FIG. 2 does not use reflection and is thus considered a "dioptric" system. Therefore, the second imaging system recited in claim 10 includes within the claimed subject matter a dioptric optical system as would be understood by one of ordinary skill in the art.

In summary, claim 10 recites subject matter that includes both catadioptric and dioptric imaging systems. Further, claim 27 recites subject matter that also includes both catadioptric and dioptric imaging systems. While the Examiner contends that the subject matter of the new claims are "entirely distinct" from that recited in the original claims, it is unclear as to which features render the new claims such as new claim 27 so entirely distinct as to violate a unity of invention requirement. Thus, it is respectfully submitted that the new claims are intended to be claimed and are not entirely distinct such that the newly presented claims are supported by the declaration and remain compliant with 35 U.S.C. §251.

STATUS OF CLAIMS NOT REJECTED IN OFFICE ACTION:

On page 3 of the Office Action, the Examiner states that claims 1-26 and 58 are allowed.

CONCLUSION:

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot. And further, that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited and possibly concluded by the Examiner contacting the undersigned attorney for a telephone interview to discuss any such remaining issues.

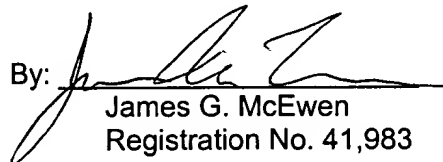
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If there are any additional fees associated with the filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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